MULTIMEDIA UNIVERSITY

STUDENT IDENTIFICATION NO

MULTIMEDIA UNIVERSITY

FINAL EXAMINATION

TRIMESTER 2, 2016/2017

UJP 4622 – JURISPRUDENCE II

(All Sections/Groups)

10 MARCH 2017

Reading Time : 9.00 a.m. – 9.15 a.m.

(15 Minutes)

Answering Time : 9.15 a.m. –12.15 p.m.

(3 Hours)

INSTRUCTIONS TO STUDENTS

1. Students will have **fifteen minutes** during which they may read the paper and make rough notes. ONLY in their question paper. Students then have the remaining **THREE HOURS** in which to answer the question.
2. This Examination Paper consists of 3 Pages with 4 Questions only.
3. There are two parts in this Question Paper: Part A and Part B. Question 1 from Part A is **COMPULSORY** and must be answered. Answer TWO QUESTIONS ONLY from Part B.
4. Please write all your answers in the Answer Booklet provided.

PART A: THIS QUESTION MUST BE ANSWERED

QUESTON 1

Discuss the concepts stated below. For each concept, support your answer with relevant illustration/s and argument/s.

(a)	'pornography'	Catharine MacKinnon	(10 marks)
(b)	'volksgeist'	Friedrich Carl von Savigny	(10 marks)
(c)	'reasoned elaboration'	Roberto Unger	(10 marks)
(d)	'living law'	Eugen Ehrlich	(10 marks)
(e)	'economic analysis of law'	Richard Posner	(10 marks)

(Total: 50 marks)

Continued...

PART B: ANSWER TWO QUESTIONS ONLY

QUESTION 2

In many western writings, Islamic law is perceived to be essentially antithetical to the ideas of human rights. Critically analyse this statement in contrast to the provision of Article 3 (1) of the Federal Constitution of Malaysia which states, "*Islam is the religion of the Federation; but other religions may be practised in peace and harmony in any part of the Federation.*"

(25 marks)

(Total: 25 marks)

QUESTION 3

Critically evaluate the stages of development of law as propounded by Henry Maine (1822-1888) in relation to the evolution of the common law, civil and Islamic legal tradition in Malaysia. Support your answer with illustration/s and argument/s from the perspective of the Malaysian legal environment.

(25 marks)

(Total: 25 marks)

Continued...

QUESTION 4

Discuss Roscoe Pound's theory of "law as social engineering". Critically analyse whether his theory can be applied in Malaysia? Support your answer with relevant illustration/s and argument/s

(25 marks)

(Total: 25 marks)

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